

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Terry Maness, (a/k/a Terry W. Maness, Terry Wayne Maness, formerly SCDC# 121322), Manual Ard (a/k/a Manual C. Ard), Rufus Belding (a/k/a Rufus L. Belding), Jackie R. Cantrell, Johnny Carrigg, Robert Cogdill, Frank D. Cooper, Sr. (a/k/a Frank G. Cooper, Sr., a/k/a Frank Cooper), Kyle Crisco, Randy Davenport, Michael Davis (a/k/a Michael A. Davis, Sr.), Boyd Dean, Joey Eggers, James Ettel, Timothy Farmer, Charles Finley, Jonathan Francis (a/k/a Jonathan C. Francis), Robert Glenn, Alden D. Hiott (a/k/a Alden Hiott), Joseph W. Holder, James Hughes, William A. Johnson, Raymond June, John F. Kennedy, Shaun Knox, Ernest Larch, Floyd D. Lipe, Charles Maxfield, Herbert McCoy, Roger Dale McCoy (a/k/a Roger D. McCoy), Keith McHugh, Michael Miller, Kenneth Outen (a/k/a Kenneth Outen, Sr.), David Lee Parker, Anthony Perrineau, Stephen Plough, Terry Potts, James Price, James D. Reynolds, Daniel L. Seay (a/k/a Daniel Leon Seay), Hubert Spears (a/k/a Hubert Spires), James Tutt, Kenneth Whitcraft, and Barney Wilkins,

Plaintiffs,

vs.

Mr. Jonathan Ozmint, Director, South Carolina Department of Corrections;
Mr. Parker Evatt, Mr. Michael Moore, Mr. Frederick Dodge, Mr. Gary Maynard and Mr. William D. Catoe, Ex-Directors, South Carolina Department of Corrections,

Defendants.

Civil Action Numbers:

3:06-382-HMH-BHH
3:06-671-HMH-BHH
3:06-673-HMH-BHH
3:06-674-HMH-BHH
3:06-675-HMH-BHH
3:06-676-HMH-BHH
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3:06-714-HMH-BHH
3:06-715-HMH-BHH
3:06-716-HMH-BHH
3:06-719-HMH-BHH
3:06-722-HMH-BHH
3:06-723-HMH-BHH
3:06-724-HMH-BHH
3:06-725-HMH-BHH

OPINION & ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (West Supp. 2006).

The parties filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Hendricks' Report and Recommendation, document number 48, and incorporates it herein. It is therefore

ORDERED that the defendants' motion to dismiss, document number 21, is
GRANTED as to Gary Maynard, and he is dismissed from this case without
prejudice. The motion is MOOT as to the other defendants.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
February 7, 2007

NOTICE OF RIGHT TO APPEAL

Plaintiffs are hereby notified that they have the right to appeal this order within thirty
(30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate
Procedure.